

STATE OF NEW JERSEY
Office of the Attorney General
Department of Law and Public Safety
Division of Gaming Enforcement

Application of Ark AC Burger Bar, LLC d/b/a
Broadway Burger Bar and Grill for a Casino Hotel
Alcoholic Beverage (CHAB) License
(Interim CHAB Authorization)

ORDER
00791

By its Application, Ark AC Burger Bar, LLC d/b/a Broadway Burger Bar and Grill ("Broadway Burger Bar"), VRF #86292, Log # 39-73, seeks to obtain a Casino Hotel Alcoholic Beverage ("CHAB") license as required to operate within the casino hotel facility of Tropicana Casino and Resort ("Tropicana").

Upon review of the Application and upon review of the information obtained during the Division of Gaming Enforcement's ("Division") preliminary investigation to date, the Division has found Broadway Burger Bar preliminarily qualified to hold a CHAB license pending the conclusion of the Division's investigation.

Having considered the relevant provisions of the Casino Control Act, *N.J.S.A. 5:12-1 et seq.*, and pursuant to the Division's authority to issue a CHAB license under *N.J.S.A. 5:12-103(a)*, I hereby ORDER that the request be granted and that Broadway Burger Bar be issued an interim CHAB authorization, number 3333-01-099-001, with the following conditions:

1. Broadway Burger Bar is issued an interim CHAB authorization based upon the Division's preliminary review of the applicant. At any time during the completion of the Division's full review should Broadway Burger Bar be found

by the Division to be unqualified to hold a CHAB license, the interim authorization issued to Broadway Burger Bar will be revoked upon that determination.

2. At the conclusion of the Division's investigation of Broadway Burger Bar, the Division will issue a plenary CHAB license to Broadway Burger Bar upon a finding that Broadway Burger Bar is qualified to hold a CHAB license.
3. Broadway Burger Bar is authorized as a Type II (hotel) CHAB location in Tropicana as depicted on the architectural drawings submitted in connection with Broadway Burger Bar's license application. This entitles Broadway Burger Bar to sell alcoholic beverages by the glass or other open receptacle for on-premise consumption within its authorized bar/restaurant location within "The Quarter" at Tropicana.
4. The Division reserves the right to suspend, limit, condition or revoke Broadway Burger Bar's interim CHAB authorization or to take any other actions authorized by and pursuant to *N.J.S.A. 5:12-109* and *129* in appropriate circumstances.
5. The Division retains the right to take any and all action authorized by the Casino Control Act regarding the suitability of Broadway Burger Bar to transact business with Tropicana including those vendors operating within that casino hotel.
6. Broadway Burger Bar shall not transfer any ownership interest, except between existing natural person or entity qualifiers, without first receiving prior written approval from the Division.
7. Broadway Burger Bar shall not enter into any management agreement, profit sharing agreement, franchise agreement or service agreement with any person or entity in connection with the operation of the premises without first receiving prior written approval from the Division.
8. Broadway Burger Bar shall not amend or assign its lease with Tropicana without first receiving prior written approval from the Division.
9. Broadway Burger Bar will register with the Division, pursuant to *N.J.S.A. 5:12-91* and *N.J.A.C. 13:69A-1.1 et seq.*, all unregistered individuals employed by Broadway Burger Bar responsible for alcoholic beverages as identified on its employee listing of May 16, 2013 within ninety (90) days from the date of this Order. Broadway Burger Bar will obtain registrations for all such subsequently hired individuals prior to commencement of their work assignments.
10. Broadway Burger Bar is to comply with the provisions of *N.J.S.A. 33:1-25* and *26*, *N.J.A.C. 13:2-14.5*, as well as *N.J.A.C. 13:69I-1.5*, *2.2* and *2.3* which pertain to employment eligibility in a licensed CHAB facility.

11. Broadway Burger Bar is to maintain on its premises at Tropicana an updated and current Employee Listing pursuant to *N.J.A.C. 13:69I-2.3(a)* and provide a copy of this listing to the Division on the first day of each calendar quarter pursuant to *N.J.A.C. 13:69I-2.3(d)*. The listing must also be available for inspection upon request by staff of the Division.
12. Broadway Burger Bar must obtain all necessary approvals required by other governmental agencies prior to the sale of any alcoholic beverages. Broadway Burger Bar is also required to update and maintain any of these approvals as appropriate.
13. Broadway Burger Bar will comply with all requirements attendant to Type II CHAB authorization, pursuant to *N.J.S.A. 5:12-103g(2)*, and with all applicable alcoholic beverage laws and regulations of the Division and, as deemed applicable, the Division of Alcoholic Beverage Control.
14. Broadway Burger Bar will train its employees and implement procedures to insure that the service of alcoholic beverages on its authorized premises will be only to those patrons who are over the age of 21 and who are not actually or apparently intoxicated.

Dated:

June 3, 2013



DAVID L. REBUCK
DIRECTOR